



PATENT  
Docket No. 11757/36

8/10/01  
11/ Recs

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Yasuji MIZUTANI *et al.*  
Serial No. : 09/287,707  
Filed : April 7, 1999  
For : HYDRAULIC BRAKING SYSTEM WHEREIN ELECTRICALLY  
CONTROLLABLE ASSISTING DRIVE FORCE IS APPLIED TO  
MASTER CYLINDER PISTON UPON BRAKE PEDAL  
OPERATION  
Group Art Unit : 3613  
Examiner : R. SICONOLFI

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ASSISTANT COMMISSIONER FOR PATENTS  
Washington D.C. 20231

RESPONSE

SIR:

In response to the Office Action mailed May 29, 2001, kindly consider the following remarks.

REMARKS

Claims 1, 3 and 35-40 are pending in the application. Each of these claims stands rejected. Favorable reconsideration is respectfully requested.

Claims 1, 3 and 35 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 11 and 14 of co-pending application 09/481,365.

It is noted that the criteria for establishing a *prima facie* case of obviousness-type double patenting parallel those for establishing obviousness under 35 U.S.C. § 103(a). Please see, for example, MPEP § 804.II.B.1.

It is further noted that to establish a *prima facie* case of obviousness under § 103, all claim limitations of a claimed invention must be taught or suggested by the prior art. See MPEP, §2143.03 and *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).